

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK

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BLACK LOVE RESISTS IN THE RUST, et al.,

Plaintiffs,

Case No. 1:18-cv-719

- vs -

CITY OF BUFFALO, N.Y., et al.,

Defendants.

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CONSENT MOTION TO MODIFY SCHEDULING ORDER

In accordance with the Parties' discussion with the Court during its May 30, 2019 status conference, Plaintiffs hereby move by consent for an extension of six months to all deadlines presently set by the Court's scheduling order (ECF No. 15). In support of this Motion, Plaintiffs state:

1. Under the present schedule, the deadline for filing motions to amend the pleadings or add parties was May 14, 2019, and the deadline for completion of fact discovery and any accompanying motions to compel is June 14, 2019. The Court has set additional deadlines for completion of all expert discovery is September 13, 2019, with initial reports to be filed by July 12, 2019, rebuttal reports to be filed by August 13, 2019, and all expert depositions to be completed by September 13, 2019. The deadline for filing dispositive motions is October 9, 2019.
2. As discussed during the May 30, 2019 status conference and explained in Plaintiffs' May 7, 2019 letter, the Parties require additional time to complete discovery, as the Court has ordered Defendants' production of ESI to commence and progress over the next 90 days.

3. The Parties are further engaged in ongoing discovery discussions and document production. Plaintiffs anticipate that they will serve additional requests for discovery and depose Defendants and other personnel of the City of Buffalo and its agencies before the close of the discovery period. Defendants have not yet taken any discovery.
4. Accordingly, Plaintiffs respectfully request, and Defendants consent to, the following modifications of the schedule:

Deadlines	Current Date	Modified Date
Deadline for filing motions to amend the pleadings or add parties	May 14, 2019	November 14, 2019
Deadline for completion of fact discovery	June 14, 2019	December 13, 2019
Deadline for motions to compel discovery	June 14, 2019	December 13, 2019
Deadline for service of Initial Expert Reports	July 12, 2019	January 31, 2020
Deadline for service of Rebuttal Expert Reports	August 13, 2019	March 2, 2020
Deadline for completion of all expert discovery (incl. expert depositions)	September 13, 2019	March 26, 2020
Deadline for Dispositive Motions	October 9, 2019	April 30, 2020

5. Extending the discovery schedule will permit the parties sufficient time to complete discovery, thereby increasing the likelihood that they may narrow the issues in dispute. Accordingly, good cause exists to justify Plaintiffs' consent request to extend each deadline in the current schedule by six months.

WHEREFORE, Plaintiffs respectfully request that the Court modify the schedule in accordance with Plaintiffs' proposal.

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* *Application for admission forthcoming.*